

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PAR PHARMACEUTICAL, INC., PAR
STERILE PRODUCTS, LLC, and ENDO
PAR INNOVATION COMPANY, LLC

Plaintiffs,

v.

SANDOZ INC.

Defendant.

Civil Action No. 3:18-CV-14895-BRM-
DEA

STIPULATION OF DISMISSAL OF CLAIMS RELATING '239 PATENT

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs Par Pharmaceutical, Inc., Par Sterile Products, LLC, and Endo Par Innovation Co., LLC (collectively, "Par") and Defendant Sandoz Inc. ("Sandoz"), by and through their respective counsel, hereby stipulate and agree that all claims, counterclaims and defenses asserted by the parties in these actions relating to U.S. Patent No. 9,744,239 ("239 patent") shall be dismissed as follows:

1. Count I of Par's First Amended Complaint (for infringement of the '239 patent by Sandoz ANDA 212069) and Count VII of Par's First Amended Complaint (for infringement of the '239 patent by Sandoz ANDA 212068) shall be dismissed with prejudice.
2. Sandoz's Seventh Counterclaim (for non-infringement of the '239 patent) and Eighth Counterclaim (for invalidity of the '239 patent) shall be dismissed without prejudice as moot.
3. Nothing in this stipulation is intended to be or shall be deemed to be an admission as to any disputed fact between the parties relating to any of the remaining claims,

counterclaims, or defenses in this action, or to bar a party from obtaining discovery or seeking to prove any predicate facts in support thereof. The parties do not waive and expressly reserve their respective rights with respect to the remaining claims and counterclaims asserted in this action (and any defenses thereto) and any present or future patents or patent applications not at issue in this action, including without limitation their respective contentions regarding the infringement/non-infringement, validity/invalidity, and enforceability/unenforceability of the remaining patents in suit and any claim for attorney's fees.

4. This stipulation also shall not affect Sandoz's ability to claim costs and attorney fees under 35 U.S.C. § 285 or otherwise based on Par's assertion of the '239 patent against Sandoz in this action. This Court retains jurisdiction for the purpose of considering Sandoz's request for costs and attorney fees based on Par's assertion of the '239 patent against Sandoz.
5. For the avoidance of doubt, nothing herein prohibits or is intended to prohibit Sandoz from maintaining a certification under 35 U.S.C. § 355(j)(2)(A)(vii)(IV) ("Paragraph IV Certification") with respect to the '239 patent.

DATED: February 5, 2020

By: /s/ Eric I. Abraham

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IT IS SO ORDERED, this ____ day of February, 2019.

The Honorable Brian R. Martinotti